

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 MMO-01 EB-07 CU-02 ACDA-07 AGR-05 AID-05

COME-00 OMB-01 OPIC-03 PC-01 TRSE-00 PER-01 IO-13

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R 141955Z JUL 76

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 0317

S E C R E T SECTION 1 OF 2 SANTIAGO 6865

EO 11652: GDS

TAGS: CI, CASP

SUBJECT: CHILE CASP

REF: STATE 169996

1. WE HAVE CONCLUDED THAT THE BEST WAY TO MEET YOUR REQUIREMENTS FOR UPDATING THE CASP IS TO MAKE CHANGES IN THREE SECTIONS, AS INDICATED BELOW. WE THINK THESE ARE SELF-EXPLANATORY AND WOULD APPRECIATE YOUR MAKING THEM AVAILABLE TO ALL CONCERNED.

2. AMBASSADOR'S OVERVIEW: THE PRESENT TEXT MAY STAND UP TO AND INCLUDING THE SECOND PARAGRAPH ON THE SECOND PAGE (AIRGRAM PAGE 10). THE STATEMENT SHOULD THEN BE CONCLUDED AS FOLLOWS:

IN THIS REGARD, THE JUNTA'S FAILURE TO CHANGE ITS STANCE IN ANY FUNDAMENTAL WAY HAS LED CONGRESS TO IMPOSE THE SHARP RESTRICTIONS ON U.S. MILITARY AND ECONOMIC ASSISTANCE CONTAINED IN THE 1976-77 SECURITY ASSISTANCE ACT AND THE INTER-AMERICAN DEVELOPMENT BANK REPLENISHMENT PROVISIONS. THE IMMEDIATE PSYCHOLOGICAL IMPACT IN CHILE HAS BEEN DRAMATIC. MUCH OF THE
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EFFORT MADE BY THE SECRETARY AND SECRETARY SIMON TO CREATE

AN ATMOSPHERE CONDUCIVE TO PROGRESS ON HUMAN RIGHTS HAS BEEN AT LEAST TEMPORARILY UNDONE.

AT THE SAME TIME, EXTRANEIOUS FACTORS PROMISE TO SHELTER CHILE FROM THE SHARPEST EFFECTS OF THE CONGRESSIONAL ACTION. THE CURRENT DISARRAY IN PERU REDUCES THE PROSPECTS OF PERUVIAN AGGRESSION IN THE NEAR TERM. AND THE BALANCE OF PAYMENTS RELIEF AFFORDED BY STEADILY RISING COPPER PRICES ENABLES CHILE TO COVER THE REDUCTION IN U.S. ECONOMIC AID WITH RELATIVE EASE.

THE NEXT LOGICAL OPPORTUNITY FOR A TURN IN CHILEAN POLICIES OCCURS ON THE JUNTA'S APPROACHING THIRD ANNIVERSARY DATE, SEPTEMBER 11. AT THAT TIME PRESIDENT PINOCHET INTENDS TO PROMULGATE NEW CONSTITUTIONAL ACTS CONTAINING HUMAN RIGHTS AND OTHER PROVISIONS OF POLITICAL IMPORTANCE. THEIR APPLICATION MAY OF COURSE BE INDEFINITELY DELAYED BY THE OVERRIDING PERSISTENCE OF STATE OF SIEGE REGULATIONS. PROVIDED IT IS NOT, AN OPENING COULD BE PRESENTED FOR IMPROVEMENT IN BILATERAL RELATIONS.

TO MANEUVER SUCCESSFULLY IN THIS AREA, PERIODIC REASSESSMENTS WILL BE REQUIRED AS TO THE POSSIBILITY OF INFLUENCING THE CHILEAN GOVERNMENT BY APPLYING OR RELAXING CONSTRAINTS IN VARYING MEASURE. IT WILL ALSO BE IMPORTANT TO DEVELOP A GREATER DEGREE OF CONSENSUS BETWEEN THE EXECUTIVE BRANCH OF THE U.S. GOVERNMENT ON THE ONE HAND, AND CONGRESS AND THE INTERNATIONALLY MINDED PRESS ON THE OTHER. FURTHER, OUR DIPLOMATIC ACTION IN INTERNATIONAL ORGANIZATIONS WILL HAVE TO BE CAREFULLY CONCEIVED TO AVOID CHARGES OF UNJUSTIFIED SELECTIVITY IN FOCUSING WITH SUCH INTENSITY ON CHILEAN HUMAN RIGHTS ABUSES ALONE.

MEANWHILE, THERE HAVE BEEN SOME POSITIVE SIGNS IN THE SITUATION. WHILE ANTI-DEMOCRATIC THINKING IN THE GOVERNMENT HAS CERTAINLY NOT DIMINISHED, THERE WAS A DECREASE IN THE NUMBER OF ARBITRARY DETENTIONS UNDER THE STATE OF SIEGE, AND IN REPORTS OF TORTURE, DURING THE EARLY MONTHS OF THE YEAR. THE IMPROVEMENT MAY HAVE BEEN TEMPORARY. THE LONG-TERM TREND IS NOT YET CLEAR.

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ACCORDINGLY, IT WILL BE ESPECIALLY USEFUL FOR US TO REMIND THE JUNTA, DURING THE NEXT FEW MONTHS, OF THE PROTESTATIONS REGARDING IMPROVEMENTS MADE TO SECRETARIES KISSINGER AND SIMON. IT WILL BE DESIRABLE TO POINT OUT THAT UNLESS THE JUNTA TAKES VISIBLE, SUBSTANTIAL AND EFFECTIVE STEPS TO MODERATE ITS REPRESSIVE PRACTICES, A FURTHER TIGHTENING OF THE RESTRICTIONS ON U.S. ASSISTANCE IN MANY AREAS WILL PROBABLY BE UNAVOIDABLE.

ON THE OTHER HAND, THE POSSIBILITY OF RESUMING OUR MILITARY ASSISTANCE CAN PROVIDE A STRONG INCENTIVE FOR CHANGE, ESPECIALLY IF CONGRESSIONAL LEADERS CAN BE KEPT ABREAST OF CHILEAN PROGRESS.

WE ARE HERE EXPLORING THE LIMITS OF EFFECTIVE NATIONAL ACTION IN THE UNFAMILIAR AREA OF THE INTERNATIONAL PROTECTION OF HUMAN RIGHTS. I BELIEVE THAT IN NO OTHER RECENT HUMAN RIGHTS CASE HAVE WE SO SHARPLY TRANSCENDED CLASSICAL PRINCIPLES OF NATIONAL SOVEREIGNTY AND NON-INTERVENTION. IN MANY WAYS THIS IS UNFAIR TO THE GOC. BUT IN THE CONTEXT OF ALL THE HISTORICAL, POLITICAL, AND HUMANITARIAN CIRCUMSTANCES, THE EFFORT DESERVES TO BE PURSUED ON ITS MERITS. THE OBJECTIVE WOULD BE TO PLACE CHILEAN-AMERICAN RELATIONS ON A DURABLY SOUND AND FRIENDLY BASIS -- A BASIS COMMENSURATE WITH THE MANY COMMON INTERESTS THE TWO COUNTRIES SHARE.

3. ISSUE ANALYSIS - MAJOR ISSUE: THE REWRITTEN TEXT FOLLOWS:

STATEMENT OF MAJOR ISSUE

HOW SHOULD THE U.S. RESPOND TO CHILEAN HUMAN RIGHTS ABUSES WHICH DO VIOLENCE TO ACCEPTED INTERNATIONAL STANDARDS? U.S. INTERESTS ARE AFFECTED BY THESE ABUSES IN THAT:

A. THEY PRODUCE A REACTION IN CONGRESSIONAL AND PUBLIC OPINION WHICH HAS MADE IT INCREASINGLY DIFFICULT FOR THE U.S. EXECUTIVE BRANCH TO CARRY OUT A COHERENT POLICY TOWARD CHILE;

B. EVENTUALLY, OUR REACTIONS COULD STILL SERIOUSLY IMPAIR CHILE'S ABILITY TO MEET ITS FOREIGN DEBT OBLIGATIONS, INCLUDING THOSE DUE TO US, AND TO FINANCE ITS FUTURE

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DEVELOPMENT;

C. ALREADY, CHILE'S HUMAN RIGHTS ABSUES HAVE NEARLY PARALYZED OUR ABILITY TO AID CHILE TO CREATE A DETERRENT FORCE AGAINST POTENTIAL PERUVIAN AGGRESSION -- A DESTABILIZING CONTINGENCY;

D. UNCHECKED, THESE ABUSES COULD EVENTUALLY CONTRIBUTE TO A VIOLENT OUTBURST LIKELY TO RESULT IN AN EVEN MORE REPRESSIVE REGIME OF THE EXTREME RIGHT OF LEFT, PROBABLY UNFRIENDLY TO THE U.S.

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ACTION ARA-10

INFO OCT-01 ISO-00 DHA-02 CIAE-00 DODE-00 PM-04 H-02

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 0318

S E C R E T SECTION 2 OF 2 SANTIAGO 6865

IMPORTANT ASSUMPTIONS

1. THE MILITARY WILL REMAIN IN POWER DURING THE CASP PERIOD. THEY WILL CONTINUE TO GIVE PRIORITY TO INTERNAL SECURITY, AND HUMAN RIGHTS PROBLEMS WILL PERSIST. THE GOVERNMENT IS NOW AWARE OF THE DAMAGE ITS HUMAN RIGHTS PRACTICES CAUSE, HOWEVER, AND MAY BE INDUCED BY CONTINUED PRESSURE TO BRING THOSE PRACTICES UP TO ACCEPTABLE STANDARDS.
2. BOP RELIEF AND MILITARY ASSISTANCE SERVE U.S. PRIORITY INTERESTS BUT NOT TO THE EXTENT WHICH SHOULD EXCLUDE CONSIDERATION OF USING THEM AS LEVERAGE TO EFFECT HUMAN RIGHTS IMPROVEMENTS.
3. THE IMPROVEMENT IN COPPER PRICES AND CHILE'S DOMESTIC AUSTERITY POLICY HAVE FOR THE TIME BEING REDUCED BUT NOT ELIMINATED OUR LEVERAGE.
4. UNLESS HUMAN RIGHTS PRACTICES IN CHILE ARE SUBSTANTIALLY MODERATED, CONGRESSIONAL AND PUBLIC ATTITUDES WILL PRECLUDE ANY MATERIAL INCREASE IN AMERICAN AID TO CHILE AND COULD EVEN LEAD TO MORE STRINGENT MEASURES.

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5. OVER TIME, TWO FACTORS MAY SERVE TO LESSEN OUTSIDE PRESSURE ON CHILE. FIRST, A DETERIORATION IN EAST-WEST RELATIONS ARISING OUT OF THE ANGOLA SITUATION, OR ANY OTHER, WOULD CAUSE THE WEST TO REACT MORE SYMPATHETICALLY TO CHILE'S EXTREME ANTI-COMMUNIST POSTURE AND TO DE-EMPHASIZE ITS OBJECTIONS TO CHILE'S HUMAN RIGHTS PRACTICES. SECOND, THE CONSOLIDATION OF RIGHT WING MILITARY REGIMES IN MUCH OF THE SOUTH AMERICAN CONTINENT -- ALL AUTHORITARIAN IN SOME DEGREE -- WILL TEND TO DIFFUSE THE EMOTIONAL ANIMUS HITHERTO SO LARGELY CONCENTRATED ON CHILE ALONE.

ISSUE RESOLUTION

RECOMMENDATION: AT THIS JUNCTURE IN THE CASP PERIOD, THE U.S. SHOULD MAINTAIN ITS CURRENT STANCE WITH RESPECT TO HUMAN RIGHTS IN CHILE UNCHANGED, SO AS TO OBSERVE THE LONGER TERM EFFECTS OF THE SHARP RESTRICTIONS IMPOSED BY CONGRESS ON JUNE 30, 1976, ON FURTHER MILITARY AND ECONOMIC ASSISTANCE. IF, HOWEVER, DURING THE CASP PERIOD THE GOC SUBSTANTIALLY IMPROVES ITS HUMAN RIGHTS PRACTICES (E.G. BY IMMEDIATELY EFFECTIVE CONSTITUTIONAL CHANGES), THE EXECUTIVE BRANCH,, IN CONSULTATION WITH THE CONGRESSIONAL LEADERSHIP, SHOULD MOVE TOWARD MODIFICATION OF OUR POSITION, IN AN EFFORT TO PROVIDE INCENTIVES FOR MAINTAINING THE MOMENTUM TOWARD NORMALIZATION. THE GOC SHOULD BE LEFT IN NO DOUBT REGARDING THIS POSITION.

REASONS FOR RECOMMENDATION

THE CONGRESSIONAL RESTRICTIONS ON AID TO CHILE, ADOPTED OVER OBJECTION OF THE EXECUTIVE BRANCH, HAVE BEEN REGARDED AS SHOCK TREATMENT BY THE GOC. ALTHOUGH ITS INITIAL REACTION WAS UNDERSTANDABLY EMOTIONAL, IT IS STILL TOO SOON TO DETERMINE WHETHER OR HOW PRESIDENT PINOCHET WILL ATTEMPT TO RETALIATE OR TO SEEK ALTERNATIVE SOURCES OF MILITARY SUPPLY AND ECONOMIC SUPPORT. ALTERNATIVELY, WE HAVE AS YET LITTLE BASIS FOR JUDGING WHETHER HE WILL ULTIMATELY RESPOND BY ACTUALLY -- NOT JUST COSMETICALLY -- MOVING TOWARD THE RESTORATION OF TRADITIONAL PERSONAL LIBERTIES IN CHILE.

AT THIS JUNCTURE OUR INTERESTS ARE BEST SERVED BY ALLOWING
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THE CHILEANS TO COME TO THEIR OWN CONCLUSIONS ON THESE MATTERS. THE GOC IS CURRENTLY IN A SENSITIVE, SOMEWHAT PARANOID MOOD. ADDITIONAL U.S. PRESSURES AT THIS STAGE COULD, IN OUR JUDGMENT, BE COUNTER-PRODUCTIVE, AND SHOULD ONLY BE CONSIDERED IF THERE IS A SERIOUS DETERIORATION IN THE SITUATION.

SUCH PRESSURES COULD PRECIPITATE VIOLENT AND EXTREMIST REACTIONS HARMFUL TO OUR INTERESTS.

WHEN THIS CASP DOCUMENT WAS ORIGINALLY PREPARED, A DIVISION OF VIEWS EXISTED WITHIN THE COUNTRY TEAM BETWEEN THOSE WHO FAVORED A TOUGH APPROACH TO THE GOC, AND THOSE WHO THOUGHT A MORE MODULATED EFFORT TO OBTAIN HUMAN RIGHTS IMPROVEMENTS WOULD BE MORE EFFECTIVE. FOR THE TIME BEING, THAT DISTINCTION HAS BEEN LARGELY ERODED BY THE RIGOR OF THE NEW LAW. AS ITS EFFECTS BECOME CLEARER, IT WILL BE NECESSARY AGAIN TO REASSESS OUR CURRENT ATTITUDE; TO REVIEW OUR HUMAN RIGHTS POLICY WITH RESPECT TO CHILE IN THE CONTEXT OF THE DEVELOPMENT OF THE U.S. GOVERNMENT'S HUMAN RIGHTS POLICIES VIS-A-VIS OTHER AUTHORITARIAN GOVERNMENTS IN SOUTH AMERICA AND ELSEWHERE; AND TO STRIKE A NEW BALANCE AMONG THE PROTAGONISTS OF VARIOUS COURTS OF ACTION.

4. ISSUE ANALYSIS - NON-MAJOR ISSUE: THE TEXT AS ORIGINALLY SUBMITTED STANDS, WITH THE SOLE ADDITION OF THE FOLLOWING SENTENCE TO THE ONE-SENTENCE RECOMMENDATION (AIRGRAM PAGE 15): THIS SHOULD BE DONE WITHOUT SPECIFIC PRESSURES AND WITHOUT DEADLINES, AS A MATTER WHICH THE CHILEANS SHOULD BRING ABOUT ON THEIR OWN.
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